IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 02/08/2004

Coram

THE HONOURABLE Mr. B. SUBHASHAN REDDY, Chief Justice

and

THE HONOURABLE Mrs. Justice PRABHA SRIDEVAN

W.A. No.2476 of 2004
and
W.A.Nos.2565, 2573, 2590, 2591, 2605, 2606, 2607, 2608, 2609, 2460, 2461, 2616, 2620, 2658, 2659, 2660, 2661, 2664, 2665, 2666, 2667, 2668, 2669, 2670 to 2672, 2678, 2778 and 2781 of 2004 and W.P. No. 19993 of 2004

and

W.A.M.P. No. 4560 of 2004
and
W.A.M.P.No.4715, 4728, 4765, 4766, 4794, 4795 to 4797, 4798, 4806, 4526, 4527, 4820, 4829, 4918, 4920, 4923, 4924, 4925, 4932 to 4935, 4939 to 4941 & 4950 of 2004 and W.P.M.P. No.24071 of 2004.
W.A. No.2460 of 2004

G. Nanthini ... Appellant

-VS-

1.The Registrar,
Anna University,
Guindy, Chennai - 25.

2.The State of Tamil Nadu,
rep. by its Secretary to Government,
Health Department,
Fort St. George,
CHENNAI - 600 009.

3.The Secretary,
Selection Committee,
Kilpauk,
Chennai - 10. Respondents

W.A. No.2461 of 2004

K. Shanmugasundaram Appellant

-VS-

1. The Registrar,
Anna University,
Guindy, Chennai - 25.

2. The State of Tamil Nadu,
rep. by its Secretary to Government,
Health Department,
Fort St. George,
CHENNAI - 600 009.

3. The Secretary,
Selection Committee,
Kilpauk,
Chennai - 10. ... Respondents

W.A. No.2590 of 2004

J. Julian Deepak,
No.64, Vasanthapuram,
Pelakuppam Road,
Tindivanam - 604 001.
Villupuram District. ... Appellant

-VS-

1. Medical Council of India,
Aiwar-E, Gabib Marg, Kotla Road,
Opposite to Madasundari College for Women,
New Delhi.

2. State of Tamil Nadu,
rep.by its Secretary to Government,
Health Department,
Fort St. George, Chennai - 600 009.

3. The Secretary,
TNPCEE 2004
(Tamilnadu Professional Courses
Entrance Examination 2003),
Anna University, Guindy, Chennai - 600025.
4. The Secretary,
Selection Committee for Admission of MBBS Course,
No.162, Periyar E.V.R. Salai,
Kilpauk, Chennai - 600010. ... Respondents

W.A.No.2591 of 2004

N. Priyadharsini, minor
rep. by her father S. Nagamuthu,

No.8, Ukkadaiambal Colony,
Thanjavur District. ... Appellant

-VS-

1. Medical Council of India,
Aiwar-E, Gabib Marg, Kotla Road,
Opposite to Madasundari College for Women,
New Delhi.

2. State of Tamil Nadu,
rep.by its Secretary to Government,
Health Department,
Fort St. George, Chennai - 600 009.

3. The Secretary, TNPCEE 2004
(Tamilnadu Professional Courses
Entrance Examination 2003),
Anna University, Guindy,
Chennai - 600025.

4. The Secretary, Selection Committee
for Medical Education,
No.162, Periyar E.V.R. Salai,
Kilpauk, Chennai - 600010. ... Respondents

W.A.No.2609 of 2004

R.N.Abinaya ... Appellant

-VS-

1. S.Kiruthiga

2. Medical Council of India,
Aiwar-E, Gabib Marg, Kotla Road,
Opposite to Madasundari College for Women, New Delhi.
3. State of Tamil Nadu,
rep.by its Secretary to Government,
Health Department,
Fort St. George, Chennai - 600 009.

4. The Secretary,
TNPCEE 2004 (Tamilnadu Professional Courses
Entrance Examination 2003),
Anna University, Guindy,
Chennai - 600025.

5. The Secretary,
Selection Committee for
Admission of MBBS Course,

No.162, Periyar E.V.R. Salai,
Kilpauk, Chennai - 600010. ... Respondents

W.A. No.2605 of 2004

V.Kannan ... Appellant

1. The Govt. of Tamil Nadu rep. by its Secretary
Higher Education Department
Fort St. George, Chennai

2. The Secretary
Tamil Nadu Professional Courses Entrance Examinations-2004
Anna University
Chennai

3. The Secretary
Selection Committee
Directorate of Medical Education
Kilpauk, Chennai 600 010.

4. The Director
Directorate of Medical Education
Kilpauk, Chennai 600 025. ... Respondents

W.A.No.2606/2004

V,.Arumugakani ... Appellant

-VS-

1.State of Tamil Nadu,
rep. by its Secretary to Government,
Higher Education Department,
Fort St.George, Chennai-9.

2.The Secretary, TNPCEE 2004
(Tamilnadu Professional Courses Entrance Examination 2003)
Anna University, Guindy, Chennai-600 025.

3.The Secretary, Selection Committee for Admission to I year
MBBS/BDS and Paramedical courses for 2004-2005, Ch-10

4.The Director of Medical Education, Ch-10. ... Respondents

W.A.No.2607/2004

D.Karhiga ... Appellant

-VS-

1.State of Tamil Nadu,
rep. by its Secretary to Government,
Higher Education Department,
Fort St.George, Chennai-9.

2.The Secretary, TNPCEE 2004
(Tamilnadu Professional Courses Entrance Examination 2003)
Anna University, Guindy, Chennai-600 025.

3.The Secretary, Selection Committee for Admission to I year
MBBS/BDS and Paramedical courses for 2004-2005, Ch-10

4.The Director of Medical Education, Ch-10. ... Respondents

W.A.No.2608/2004

V.Saranya ... Appellant

-VS-

1.State of Tamil Nadu
rep. by its Secretary to Government,
Education Department,
Fort St.George, Chennai-600 009.

2.The Secretary, TNPCEE 2004
(Tamilnadu Professional Courses Entrance Examination 2003)
Anna University, Guindy, Chennai-600 025.

3.The Secretary, Selection Committee for Admission to I year
MBBS/BDS and Paramedical courses for 2004-2005,
Ch-10. ... Respondents

W.A. No.2616 of 2004

Minor. K.T. Dhileepan
Rep. by his father Dr. K. Thyagarajan ... Appellant

-VS-

1. Medical Council of India,
Aiwar - E, Gabib Marg,
Kotla Road, Opposite to
Madasundaari College for Women,
New Delhi.

2. The State of Tamil Nadu,
rep. by its Secretary,
Health Department,

Fort St. George,
CHENNAI - 600 009.

3. The Secretary,
Tamil Nadu Professional Courses Entrance Examination,
Anna University,
Guindy, Chennai - 600 025.

4. The Secretary,
Selection Committee for admission to MBBS Course,
No.162, EVR Periyar Salai,
Kilpauk, Chennai - 600 010. ... Respondents

W.A. No.2620 of 2004

W. Leena Jeris ... Appellant

-VS-

1. The Government of Tamil Nadu,
rep. by its Secretary,
Higher Education Department,
Fort St. George,
CHENNAI - 600 009.

2. The Secretary,
Tamil Nadu Professional Courses Entrance Examination,
Anna University,
Guindy, Chennai - 600 025.

3. The Secretary,
Selection Committee for admission to MBBS Course,
No.162, EVR Periyar Salai,
Kilpauk, Chennai - 600 010.

4. The Director,
Directorate of Medical Education,
Kilpauk, Chennai - 600 010. ... Respondents

W.A. No.2658 of 2004

D. Hannah ... Appellant

-VS-

1. The Secretary,
TNPCEE,
Anna University,
Chennai - 32.

2. The Secretary, Selection Committee,
Directorate of Medical Education,
162, EVR Road, Chennai - 10. ... Respondents

W.A. No.2659 of 2004

Minor Divya J
Rep. by her mother and
Natural guardian J. Punithavathy ... Appellant

-VS-

1. The Secretary,
Tamil Nadu Professional Courses Entrance Examination,
Anna University,
Guindy, Chennai - 600 025.

2. The Secretary,
Selection Committee for admission to MBBS Course,
No.162, EVR Periyar Salai,
Kilpauk, Chennai - 600 010.

3. The Vice Chancellor,
Anna University, Chennai - 25.

4. The Director,
Directorate of Medical Education,
Kilpauk, Chennai - 10.

5. The Government of Tamil Nadu,
rep. by its Secretary,
Health Department,
Fort St. George,
CHENNAI - 600 009.

6. S. Adrine Janie Rosy,
Minor, rep. by mother & natural guardian ... Respondents

W.A. No.2660 of 2004

Minor. M. Mohad. Junald
Rep. by father & natural guardian
Mr. Mohd. Habeebullah ... Appellant

-VS-

1. The Registrar,
Anna University,
Guindy, Chennai - 600 032.

2. The State of Tamil Nadu,
rep. by its Secretary,
Health Department,
Fort St. George,
CHENNAI - 600 009.

3. The Secretary,
Selection Committee for admission to MBBS Course,
No.162, EVR Periyar Salai,
Kilpauk, Chennai - 600 010. ... Respondents
W.A. No.2661 of 2004

M. Kumar ... Appellant

-VS-

1. S. Kiruthiga

2. Medical Council of India,
Aiwar - E, Gabib Marg,
Kotla Road, Opposite to
Madasundaari College for Women,
New Delhi.

3. The State of Tamil Nadu,
rep. by its Secretary,
Health Department,
Fort St. George,
CHENNAI - 600 009.

4. The Secretary,
Tamil Nadu Professional Courses Entrance Examination,
Anna University,
Guindy, Chennai - 600 025.

5. The Secretary,
Selection Committee for admission to MBBS Course,
No.162, EVR Periyar Salai,
Kilpauk, Chennai - 600 010. ... Respondents

W.A. No.2664 of 2004

P. Padmini Priyadharsini ... Appellant

-VS-

1. The Secretary,

TNPCEE,
Anna University, Chennai - 32.

2. The Secretary, Selection Committee,
Directorate of Medical Education,
162, EVR Road, Chennai - 10.

3. S. Venmathi ... Respondents
W.A. No.2665 of 2004

H. Farook Khan ... Appellant

-VS-

1. The Secretary,
TNPCEE,
Anna University, Chennai - 32.

2. The Secretary, Selection Committee,
Directorate of Medical Education,
162, EVR Road, Chennai - 10.

3. S. Venmathi ... Respondents

W.A. No.2666 of 2004

M. Anbarasan ... Appellant

-VS-

1. S. Kiruthiga

2. Medical Council of India,
Aiwar - E, Gabib Marg,
Kotla Road, Opposite to
Madasundaari College for Women,
New Delhi.

3. The State of Tamil Nadu,
rep. by its Secretary,
Health Department,
Fort St. George,
CHENNAI - 600 009.

4. The Secretary,
Tamil Nadu Professional Courses Entrance Examination,
Anna University,
Guindy, Chennai - 600 025.
5. The Secretary,
Selection Committee for admission to MBBS Course,
No.162, EVR Periyar Salai,

Kilpauk, Chennai - 600 010. ... Respondents

W.A. No.2667 of 2004

R. John Santha Vinothan ... Appellant

-VS-

1. S. Kiruthiga

2. Medical Council of India,
Aiwar - E, Gabib Marg,
Kotla Road, Opposite to
Madasundaari College for Women,
New Delhi.

3. The State of Tamil Nadu,
rep. by its Secretary,
Health Department,
Fort St. George,
CHENNAI - 600 009.

4. The Secretary,
Tamil Nadu Professional Courses Entrance Examination,
Anna University,
Guindy, Chennai - 600 025.

5. The Secretary,
Selection Committee for admission to MBBS Course,
No.162, EVR Periyar Salai,
Kilpauk, Chennai - 600 010. ... Respondents

W.A. No.2668 of 2004

R. Someshwaran ... Appellant

-VS-

1. S. Kiruthiga

2. Medical Council of India,
Aiwar - E, Gabib Marg,
Kotla Road, Opposite to
Madasundaari College for Women,
New Delhi.

3. The State of Tamil Nadu,
rep. by its Secretary,
Health Department,
Fort St. George,
CHENNAI - 600 009.

4. The Secretary,
Tamil Nadu Professional Courses Entrance Examination,
Anna University,
Guindy, Chennai - 600 025.

5. The Secretary,
Selection Committee for admission to MBBS Course,
No.162, EVR Periyar Salai,
Kilpauk, Chennai - 600 010. ... Respondents

W.A. No.2669 of 2004

S. Deepak ... Appellant

-VS-

1. S. Kiruthiga

2. Medical Council of India,
Aiwar - E, Gabib Marg,
Kotla Road, Opposite to
Madasundaari College for Women,
New Delhi.

3. The State of Tamil Nadu,
rep. by its Secretary,
Health Department,
Fort St. George,
CHENNAI - 600 009.

4. The Secretary,
Tamil Nadu Professional Courses Entrance Examination,
Anna University,
Guindy, Chennai - 600 025.

5. The Secretary,
Selection Committee for admission to MBBS Course,
No.162, EVR Periyar Salai,
Kilpauk, Chennai - 600 010. ... Respondents

W.A. No.2670 of 2004

A.G. Thivyah Prabha ... Appellant

-VS-

1. The Secretary,
TNPCEE,
Anna University, Chennai - 32.

2. The Secretary, Selection Committee,
Directorate of Medical Education,
162, EVR Road, Chennai - 10.

3. S. Venmathi ... Respondents

W.A. No.2671 of 2004

J. Subadhra ... Appellant

-VS-

1. The Secretary,
TNPCEE,
Anna University, Chennai - 32.

2. The Secretary, Selection Committee,
Directorate of Medical Education,
162, EVR Road, Chennai - 10.

3. S. Venmathi ... Respondents

W.A. No.2672 of 2004

N. Premanand ... Appellant

-VS-

1. The Secretary,
TNPCEE,
Anna University, Chennai - 32.

2. The Secretary, Selection Committee,
Directorate of Medical Education,
162, EVR Road, Chennai - 10.
3. S. Venmathi ... Respondents

Appeals against the order of the learned single Judge dated
15.6.2004 in W.P. Nos.14587 of 2004 etc. batch.

W.A. No.2678 of 2004

Minor V.S. Parasaran ... Appellant

-VS-

1. Medical Council of India,
Aiwar-E, Gabib Marg, Kotla Road,

Opposite to Madasundari College for Women,
New Delhi.

2. State of Tamil Nadu,
rep.by its Secretary to Government,
Health Department,
Fort St. George, Chennai - 600 009.

3. The Secretary,
TNPCEE 2004
(Tamilnadu Professional Courses
Entrance Examination 2003),
Anna University,
Guindy,
Chennai - 600025.

4. The Secretary,
Selection Committee for Admission of MBBS Course,
No.162, Periyar E.V.R. Salai,
Kilpauk, Chennai - 600010. ... Respondents

W.A. No.2778 of 2004

V. Amirtharajan ... Appellant

-VS-

1. Medical Council of India,
Aiwar-E, Gabib Marg, Kotla Road,
Opposite to Madasundari College for Women,
New Delhi.

2. State of Tamil Nadu,
rep.by its Secretary to Government,
Health Department,
Fort St. George, Chennai - 600 009.

3. The Secretary,
TNPCEE 2004
(Tamilnadu Professional Courses
Entrance Examination 2003),

Anna University,
Guindy,
Chennai - 600025.

4. The Secretary,
Selection Committee for Admission of MBBS Course,

No.162, Periyar E.V.R. Salai,
Kilpauk, Chennai - 600010. ... Respondents

W.A. No.2781 of 2004

M.S.P.S. Rajavel ... Appellant

-VS-

1. S. Kruthiga

2. Medical Council of India,
Aiwar-E, Gabib Marg, Kotla Road,
Opposite to Madasundari College for Women,
New Delhi.

3. State of Tamil Nadu,
rep.by its Secretary to Government,
Health Department,
Fort St. George, Chennai - 600 009.

4. The Secretary,
TNPCEE 2004
(Tamilnadu Professional Courses
Entrance Examination 2003), Anna University,
Guindy, Chennai - 600025.

5. The Secretary,
Selection Committee for Admission of MBBS Course,
No.162, Periyar E.V.R. Salai,
Kilpauk, Chennai - 600010. ... Respondents
Appeals against the order of the learned single Judge dated 15.6.2004
in W.P. Nos.14587 of 2004 etc. batch.

W.P. No.19993 of 2004

Minor S. Lavanya ... Petitioner

-VS-

1. The Govt. of Tamil Nadu rep. by its Secretary
Higher Education Department
Fort St. George, Chennai

2. The Secretary
Tamil Nadu Professional Courses Entrance Examinations-2004
Anna University
Chennai

3. The Secretary
Selection Committee

Directorate of Medical Education
Kilpauk, Chennai 600 010.

4. The Director
Directorate of Medical Education
Kilpauk, Chennai 600 025. ... Respondents

Petition under Article 226 of Constitution of India for the issuance of Writ of Mandamus for the reasons stated therein.

!For Appellant in W.A. No.2476 :Mr. P. Jayaraman, Sr. Counsel, of 2004 for M/s.R.Sankara Subbu

For Appellant in W.A. No.2565 : Mr. P. Jagadeesan of 2004

For Appellants in W.A. Nos.2573, : Mr. R. Viduthalai 2590, 2591, 2608, 2620 and 2666 to 2669 of 2004

For Appellants in W.A. Nos.2605 to : Mr. Kandavadivel Doraisami 2607 of 2004 and for Petitioners in W.P. No.19993 of 2004

For Appellant in W.A. No.2609 : Mr. P. Saravana Sowmiyan of 2004

For Appellants in W.A. Nos.2460 and : Mr. S. Saravanan 2461 of 2004

For Appellant in W.A. No.2616 of : Mr. S. Ashok Kumar 2004 For Appellant in W.A. No.2658, 2664 : Mr. R. Sankara Subbu and 2665 of 2004

For Appellant in W.A. No.2659 of : Mr. Veerakathiravan 2004

For Appellant in W.A. No.2660 of : Mr. AR. L. Sundaresan 2004

For Appellant in W.A. No.2661 of : Mr. S. Nagamuthu 2004

For Appellant in W.A. Nos.2670 and : Mr. K. Gandhikumar 2672 of 2004

For Petitioner in W.P. No.19993 of : Mr. Muthumani Doraisamy 2004

For Petitioner in WAMP No.4950 of : Mr. P.N. Radhakrishnan 2004

^For Respondent / Anna University : Mr. G. Masilamani, Sr. Counsel for M/s. G.M. Mani
Associates

For Respondent/Government : Mr. V.R. Rajasekaran, Spl.
G.P

:JUDGMENT

THE HONOURABLE THE CHIEF JUSTICE

This batch of Writ Appeals relate to admissions to MBBS/BDS courses for the academic year 2002 - 2005. The Writ Appeals arise out of the common judgment rendered by the learned single Judge dated 15.6.2004 in W.P. No.14587 of 2004 etc. batch.

2. The Entrance Examination was conducted by Anna University. The criteria for selection is based upon the marks obtained by the candidates, both in the qualifying examination (+2) as also the marks secured in Entrance Examination. 120 questions were set for Physical Sciences comprising of Physics and Chemistry and 140 questions for Biology. The questions are selected from the question bank containing keyanswers. But, peculiarly, after the examinations were held, another expert committee is constituted, whose valuation is given the finality, giving a go-bye to the key answers provided by the paper setters.

3. Out of abovementioned questions, dispute regarding the correctness of the valuation over 25 questions was raised. There was no argument on three of the questions, leaving 22 questions to be addressed by this Court. The learned single Judge has taken much pains in going into the matter in detail referring to several standard books on various disciplines.

4. In the dispute relating to the evaluation of answer papers of entrance examination with multiple choices objective type tests, the judgment rendered by the Supreme Court in KANPUR UNIVERSITY v. SAMIR GUPTA (AIR 1983 SC 1230) is an authoritative one. The said view holds good even now and has been followed in several decisions. What is deducible from the above Supreme Court decision is that (i) normally the key answer is presumed to be correct unless there is a glaring instance of fallacy;

(ii) the standard text book is the norm; and

(iii) the key answer as traceable to the standard text book has to be preferred and relied upon as that is the basis well known to the students for preparation for examinations.

In the above decision, one more significant factor is the acceptance of the students' contention regarding correctness of the questions answered by them basing upon the text books. If the prescribed text book is not followed, then it would lead to endless litigation as there are infinite number of books written by different authors on each of the disciplines and at times they may differ from each other by which more confusion is added rather than solving the problem. It is also necessary to have some suitable guidelines so as to avoid this perpetual litigation relating to the entrance tests which almost

crop up every year when the entrance tests are conducted resulting in the delay in admissions and also heart-burn among the student community and particularly mental anguish to their parents. That is why, we feel it safe, as propounded by the Supreme Court, to follow the prescribed text books in deciding the correctness of the key answers provided by the paper setters. Only if the key answers provided by the paper setter are against the text book, we can go to other standard books. Keeping the above factors in view, we now proceed to take up the questions, which are disputed.

5. i. On six questions, there is unanimity in the answers provided by the paper setter as also the expert committee. The learned single Judge has rightly accepted the same to be correct. There is no case made out for holding contra.

ii. Three questions suffer from inconsistency because of the variation in Tamil translation. In objective type examinations like the instant one, the candidates are required to answer by ticking by which it cannot be said that the question was answered by the candidate after understanding the question in English or Tamil. In view of the said uncertainty, the learned single Judge was correct in accepting the recommendation of the Expert Committee for deletion of the said questions from valuation, contra to the view of the paper setter.

iii. There are two other questions where the expert committee differs from the paper setters. The expert committee has given valid reasons for differing from the paper setter. The learned single Judge has rightly accepted the view of the expert committee.

iv. In Question No.105 of MA 7, the expert committee differed from the key answer provided.

Highly concentrated mineral in the cerebro-spinal fluid is 1. Potassium 2. Sodium 3. Magnesium 4. Chlorine

The learned single Judge has accepted the key answer provided by the paper setter. The learned single Judge has given reasons for accepting the key answer, which is in conformity with the prescribed textbook and hence calls for no interference.

v. With regard to question No.64 of BS 6, the expert committee held that there is one more correct answer apart from the key answer and recommended deletion.

The question is as follows: (Question No.64 of BS 6)

Outer electronic configuration of four elements A, B, C and D is given below. Which among them can form multiple bonds?

1. A...(He) 2s2 2p3 2. B...(Ne)3s2 3p3 3. C...(Ar) 4s24p3 4. D...(Kr)5s2 5p3 The learned single Judge has rightly directed awarding of marks for both the answers i.e. nitrogen and phosphorus as they form multiple bonds.

vi. There are some questions (A to I below), which were ordered to be deleted by the expert committee. They are the following: A. (Question No.87 of BS 6)

What will be the pH of the buffer solution containing 0.2 mole of acetic acid and 0.1 mole of sodium acetate per litre? The dissociation constant of acetic acid is 1.8 x 10 -5

1. 5.674 2. 4.474 3. 6.874 4. 3.274

B. (Question No.88 of BS 6)

Unit of equivalent conductance ^c is

1. Sm2gm/equivalent 2. Sm2 mole -1 3. Smetre -1 4. Sm2 gm equivalent

C. (Question No.116 of BS 6)

Amino acid which is not optically active is

1. CH 2 COO - NH3 2. CH 3 CHCOO - NH 3 3. (CH3)2CHCH2CHCOO - NH3 4. (CH3)2CHCHCOO-NH3

D. (Question 119 of Bs6) A Zndust B anhydrous Alcl3 C Zu/Hg Hcl ..D. then A and D are

1. Benzene, Phenol 2. Phenol, ethyl benzene 3. Phenol, biphenyl 4. Benzene, Toluene

(E) Question No.77 of BS 6 The enthalpy of combustion of butane is -2890 kJ at STP. The amount of heat liberated when 1.12 x 10-2 m3 of butane is completely burnt at STP is

1. -1445 kJ 2. 1445 kJ 3. -2890 kJ 4. 2890 kJ

(F) Question No.76 of BS 6

The change in the value of enthalpy of formation of ammonia is

1. - 45.5 kJ 2. + 45.5 kJ 3. - 91 kJ 4. + 91 kJ

(G) Question No.80 of BS 6 In an exothermic reversible reaction, the increase in temperature 1. increases the rate of forward reaction 2. increases the rate of backward reaction 3. increases the rate of forward and backward reactions to the same extent 4. does not affect the rate of reaction

(H) Question No.27 of MA7

The mutation that alters the phenotype of an organism is

1. translocation 2. point mutation 3. deletion mutation 4. substitution

mutation

(I) Bees wax is

1. CH3 (CH2)14 COOC 16 H33 2. CH3(CH2)16 COOC 26 H53 3. CH3 (CH2) 14 COOC 31H63 4. CH3(CH2)16COOC34H53

These questions are dealt with by us since we feel it necessary.

So far as the other three questions (B) to (D) are concerned viz., Question Nos.88, 116 and 119 of BS6, we find the deletion to be correct as in the second one, the options printed are incorrect, in the third one, the structure formulae given as options are incorrect and in the fourth one, the question is an incomplete one.

Coming to the question (A), the key answer is Option 2. The expert committee ordered deletion because Option 2 says 4.474 whereas the correct answer is 4.444. Since the Committee also says that usually the value is truncated to two digits, the key answer may be accepted. Further the alternative options do not emanate from the same series. Having regard to the above, the key answer provided by the paper setter has to be awarded marks.

Coming to the question (E) i.e. Question No.77 of BS6, the key answer given is Option 1 but expert committee says Option 2 also is correct and opines that the question may confuse the candidates. The learned single Judge ordered awarding of marks to the candidates who have shaded Options 1 and 2. The question is as follows:

The enthalpy of combustion of butane is -2890 kJ at STP. The amount of heat liberated when 1.12 x 10-2 m3 of butane is completely burnt at STP is

1. -1445 kJ 2. 1445 kJ 3. -2890 kJ 4. 2890 kJ

We find no confusion in the question as in the prescribed textbook of Chemistry for Standard XII (Revised Edition - 2000 ; Reprint : 2003), at page 130 enthalpy of combustion is correctly defined as the enthalpy change which accompanies the complete combustion of one mole of substance. Combustion reactions are always exothermic and hence the enthalpy of combustion is negative. In the textbook, example is given as follows:

The enthalpy of combustion of methane is -890.2 kJ. It can be represented by the following thermochemical equation.

CH4(g) + 20 2(g) ----------> CO 2(g) + 2H2O(1) AH = -890.2 kJ

Thus, it is clear that enthalpy reaction is always negative. Hence, the key answer should be accepted and marks have to be awarded only to the candidates who have shaded Option 1.

As regards Question (F) is concerned, regarding the change in the value of enthalpy of formation of ammonia, the expert committee recommended deletion on the ground that the construction of question is wrong. The key answer is given is choice No.1. The learned single Judge accepted the key answer. We agree with the views of the learned single Judge as the key answer has to be accepted as it conforms to the answer given in page 129 of the prescribed text book (Chemistry Higher Secondary - Second Year, Revised Edition - 2000).

As regards Question (G) is concerned, the paper setter has provided choice (2) as the key answer, while according to the expert committee, even though choice (2) is the unique correct answer, the question should be 'in an exothermic reversible equilibrium reaction, the increase in temperature'. While the expert committee ordered deletion of the question from consideration, the learned single Judge directed awarding of marks to the candidates who have shaded choices 1 and 2. We find no vagueness in the question as it is specifically stated, 'in an exothermic reversible reaction, the increase in temperature'. The key answer provided is 'increases the rate of backward reaction'. The word, 'equilibrium' is not material and will not alter the meaning. It only emphasizes in the context of reversible reaction, either exothermic or endothermic. The question being very specific, the word 'exothermic' leaves no doubt and as such, there is no confusion. When the unique correct answer is choice 2, tallying with that of the paper setter, that is the only key answer which requires to be given marks. We hold that choice No.1 cannot be given any marks.

In Question (H), that is Question No.27 of MA 7, the paper setter has provided choice No.4 as the key answer. The expert committee recommends the deletion of the said question from consideration and has given reasons therefore. The reasons are that there would be three correct answers, i.e. deletion mutation, insertion or addition mutation and substitution mutation being the methods by which gene mutation or point mutation may be caused and all of them alter the phenotype of an organism. The learned single Judge directed the respondents to consider the giving of marks to all the students who have shaded choices 2, 3 and 4. Mr. R. Viduthalai, learned counsel for the appellant in W.A. No.2608 of 2004, pointing out the same text book which deals with all types of mutations, submits that even translocation mutation alters the phenotype of an organism. From the same page at No.132 of the prescribed text book, we find the submission of the learned counsel as having some force. In this scenario, where all the alternative answers provided are correct, no answer can be called as key answer. Hence, we agree with the expert committee to delete the question from evaluation.

In yet another question (I), the learned single Judge ordered deletion even though the expert committee agrees with the key answer provided by the paper setter. The question is as follows:

Question No.117 of BS 6

Bees wax is

1. CH3 (CH2)14 COOC 16 H33 2.CH3(CH2)16 COOC 26 H53

3. CH3 (CH2) 14 COOC 31 H63 4. CH3(CH2)16COOC34H53

There is no reason not to accept the key answer as it conforms to the prescribed text book at page No2.305 in the Text Book of Organic Chemistry by P.L. Soni and H.M. Chawla (27th Revised Edition, 1997 Sultan Chand & Sons).

6. Before parting with the case, we want to address the respondents something in the interest of students and their parents in the context of quality of examination. The very object of bypassing the descriptive type examination and choosing the objective type multiple choices examination is to enhance the standard of education so that the student is made ready to answer more questions just by ticking the correct answer out of four alternative answers. For that purpose, he is made to read comprehensively, absorb the contents and then come to a quick decision. When quick decision with such precision is the objective, among the alternative answers provided, one should be the correct answer while the remaining three should not be correct. Only then the correct answer can be called as the key answer. There cannot a concept of more than one key answer. Key answer shall be only one. The courts have been doing this exercise and sometimes, in the interest of the career of the students, direct the awarding of marks for more than one question. But that should be only an exception and not the rule. But, unfortunately, the exception has become a rule and the rule an exception because of the falling standards in the conduct of examinations. We do not understand as to why there should be an appellate forum, even at the threshold, by setting up an expert committee. The paper setter chooses questions from question bank where the key answers are already provided. By setting up the expert committee, the paper setter is reduced to just a clerk, as the key answer which is indicated has got absolutely no weightage as against the opinion of the expert committee as the University conducting the examination only takes note of the views of the expert committee for awarding marks. This practice has to be discontinued. When the papers are set, choosing questions from the question bank already carrying the key answers, experts in the various disciplines have to be chosen to form the question bank and that should be a step before conducting the examination and not like the instant one in setting up the expert committee ex post facto. All the questions should be definite and so also the answers provided. All efforts should be taken that there should not be more than one correct answer as a key answer and no room is given for creating any confusion.

7. The Writ Appeals are disposed of accordingly. The relief is given in rem. Writ Petition No. 19993 of 2004 also gets disposed of in terms stated above. No costs. Consequently, all the connected W.A.M. Ps. and W.P.M.Ps. are closed. The first respondent/Anna University is directed to take necessary steps to re-compute and hold fresh counseling accordingly by integrating the improvement candidates also. This exercise shall be made within a period of one week from the date of receipt of a copy of this order. The Registry is directed to serve a copy of this order to the first respondent by a special messenger by the evening of today. This judgment shall be hosted on the internet immediately.

Internet : Yes

Sm/pv